

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7872**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JESUS SANTIAGO,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge; Herbert N. Maletz, Senior Judge, sitting by designation. (CR-97-301)

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Submitted: January 31, 2002

Decided: February 11, 2002

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Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Jesus Santiago, Appellant Pro Se. Katharine Jacobs Armentrout, Assistant United States Attorney, James McCormick Webster, III, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Jesus Santiago was convicted in 1998 after pleading guilty to count one of the indictment: conspiracy to possess with intent to distribute crack cocaine. Santiago filed a motion in the district court to dismiss count one of the indictment for lack of jurisdiction. The district court denied the motion on August 3, 2001. Santiago did not file a notice of appeal until October 19, 2001. He did, however, indicate to the district court by a motion to demand resolution of his prior motion, that he had not received notice of the judgment, which he filed on October 2, 2001.

Criminal defendants have ten days from the entry of a final order to file a notice of appeal. Fed. R. App. P. 4(b). Upon a finding of excusable neglect or good cause, a court may extend the appeal period for up to thirty days beyond the expiration of the ten day appeal period. Fed. R. App. P. 4(b)(4). The appeal periods established by Rule 4(b) for criminal appeals are mandatory and jurisdictional. United States v. Raynor, 939 F.2d 191, 197 (4th Cir. 1991). Because Santiago did not file anything with the court to indicate he wished to file a notice of appeal until after the excusable neglect period expired, this court is without jurisdiction to review the appeal.

Accordingly, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before the court and argument would not aid the decisional process.

DISMISSED